

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACOB ELIJAH JOHNSON,

Plaintiff,

v.

STELLANTIS AUTOMOTIVE GROUP
and UNITED AUTO WORKERS,

Defendants.

Case No. 22-10777
Honorable Laurie J. Michelson
Magistrate Judge Curtis Ivy, Jr.

**ORDER ADOPTING REPORT AND RECOMMENDATION [31] AND
DISMISSING COMPLAINT**

Jacob Elijah Johnson sued Stellantis Automotive Group and the United Auto Workers for terminating him for retaliatory reasons, blocking Johnson’s “candidacy as potential UAW President in June 2022 elections,” harming his “candidacy [in the] Detroit Mayor Primary and November gen[eral] mayoral elections” by causing him to spend his financial resources, and interfering with pending National Labor Relations Board charges against Stellantis and the UAW. (ECF No. 1, PageID.6.) He also says that the UAW denied him representation at every level of the grievance process he initiated. (*Id.*)

Service has been an issue in this case. A few months ago, Magistrate Judge Curtis Ivy, Jr., to whom this Court referred all pretrial matters, recommended that the Court set aside the clerk’s entries of default against Defendants, deny Johnson’s motions for default judgment, and deny without prejudice Johnson’s premature motion for summary judgment. (ECF No. 25.) The Court adopted this

recommendation. (ECF No. 27.) Following that order, Magistrate Judge Ivy ordered Johnson to show cause as to why the case should not be dismissed for failure to serve Defendants. (ECF No. 28.) Magistrate Judge Ivy noted, “[t]o date, Plaintiff has not provided the Court with the names and addresses to serve the defendants.” (*Id.* at PageID.75.) Johnson did not respond to the show-cause order and has not provided the necessary information to serve Defendants. So Magistrate Judge Ivy recommended that the Court dismiss Johnson’s complaint for failure to timely serve Defendants. (ECF No. 31.) This recommendation is now before the Court.

At the conclusion of the November 15, 2022 Report and Recommendation, Magistrate Judge Ivy notified the parties that they were required to file any objections within fourteen days of service, as provided in Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d), and that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (ECF No. 31, PageID.82.) Under Federal Rule of Civil Procedure 6(d), since Johnson was served via mail, three days are added to the objection period. Waiting the 17-day objection period, it has now been more than 23 days since the Report was served on the parties. No objections have been filed.

The Court finds that the parties’ failure to object is a procedural default, waiving review of the Magistrate Judge’s findings by this Court. In *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981), the Sixth Circuit established a rule of procedural default, holding that “a party shall file objections with the district court or else waive right to appeal.” And in *Thomas v. Arn*, 474 U.S. 140, 144 (1985), the

Supreme Court explained that the Sixth Circuit's waiver-of-appellate-review rule rested on the assumption "that the failure to object may constitute a procedural default waiving review even at the district court level." 474 U.S. at 149; *see also Garrison v. Equifax Info. Servs., LLC*, No. 10-13990, 2012 WL 1278044, at *8 (E.D. Mich. Apr. 16, 2012) ("The Court is not obligated to review the portions of the report to which no objection was made." (citing *Thomas*, 474 U.S. at 149–52)). The Supreme Court further held that this rule violates neither the Federal Magistrates Act nor the Federal Constitution.

The Court therefore finds that the parties have waived further review of the Magistrate Judge's Report and accepts the recommended disposition. (ECF No. 31.) It follows that Johnson's complaint is dismissed. A separate judgment will follow.

SO ORDERED.

Dated: December 9, 2022

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE